

REPORT TO CONGRESS

U.S. ACTIONS TAKEN IN 2020 ON FOREIGN LARGE-SCALE HIGH SEAS DRIFTNET FISHING

*Developed pursuant to: Section 1826(E) of the
Magnuson-Stevens Fishery Conservation and Management Act,
as Amended by Public Law 104-297,
the Sustainable Fisheries Act of 1999*

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THE MAGNUSON-STEVEN'S FISHERY CONSERVATION AND MANAGEMENT ACT,
AS AMENDED BY PUBLIC LAW 104-297, THE SUSTAINABLE FISHERIES ACT OF 1999
INCLUDED THE FOLLOWING LANGUAGE

Section 1826(e) directs the Secretary of Commerce, after consultation with the Secretaries of State and Homeland Security, to submit to Congress no later than January 1 an annual report (1) describing the efforts made to carry out Section 1826, especially subsection (c); (2) evaluating the progress of those efforts, the impacts on living marine resources, including available observer data, and plans for further action; (3) listing and describing any new high seas driftnet fisheries developed by nations that conduct or authorize their nationals to conduct large-scale high seas driftnet fishing; and (4) listing nations that conduct or authorize their nationals to conduct high seas driftnet fishing in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party.

THIS REPORT RESPONDS TO THE ACT'S DIRECTION.

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I. EXECUTIVE SUMMARY

As of December 31, 2020, the United Nations General Assembly (UNGA) global moratorium on large-scale high seas driftnet fishing has been in effect for 28 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be successful.

In 2020, there were no sightings of vessels conducting large-scale high seas driftnet fishing operations. However, one Sri Lankan flagged fishing vessel was apprehended in the waters of the British Indian Ocean Territory reportedly configured to use large scale driftnets (>2.5km) with nets onboard estimated to be 12.8 km. It received sanctions from British and Sri Lankan authorities.

II. INTRODUCTION

Fishery Conservation Amendments of 1990: The President signed Public Law 101-627, the Fishery Conservation Amendments of 1990, on November 28, 1990. Title I, Section 107, of the law amended Section 1826 of the Magnuson-Stevens Fishery Conservation and Management Act (16 USC § 1826) to incorporate and expand upon provisions of the Driftnet Impact Monitoring, Assessment, and Control Act of 1987.

Section 1826(b) of the Magnuson-Stevens Act sets forth Congressional findings, including *inter alia* that "the continued widespread use of large-scale driftnets beyond the exclusive economic zone (EEZ) of any nation is a destructive fishing practice that poses a threat to living marine resources of the world's oceans." It also notes the expansion of large-scale driftnet fishing into other oceans and acknowledges the June 30, 1992, global driftnet moratorium called for by UNGA Resolution 44/225. Finally, Section 1826(b) recognizes the moratorium on the use of large-scale driftnets agreed through the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, also known as the Wellington Convention.

Section 1826(c) sets forth Congress' driftnet policy, specifically that the United States should:

- (1) implement the moratorium called for by UNGA Resolution 44/225;
- (2) support the Tarawa Declaration and the Wellington Convention; and
- (3) secure a permanent ban on the use of destructive fishing practices, and in particular large-scale driftnets, by persons or vessels fishing beyond the exclusive economic zone (EEZ) of any nation.

Section 1826(d) directs the Secretary of Commerce, through the Secretary of State and the Secretary of Homeland Security, to seek to secure international agreements to implement immediately the findings, policy, and provisions of Section 1826, particularly the international

ban on large-scale driftnet fishing.

Section 1826(e) directs the Secretary of Commerce, after consultation with the Secretaries of State and Homeland Security, to submit to Congress no later than January 1 an annual report (1) describing the efforts made to carry out Section 1826, especially subsection (c); (2) evaluating the progress of those efforts, the impacts on living marine resources, including available observer data, and plans for further action; (3) listing and describing any new high seas driftnet fisheries developed by nations that conduct or authorize their nationals to conduct large-scale high seas driftnet fishing; and (4) listing nations that conduct or authorize their nationals to conduct high seas driftnet fishing in a manner that diminishes the effectiveness of or is inconsistent with any international agreement governing large-scale driftnet fishing to which the United States is a party. (The number of reporting requirements in Section 206(e) of Public Law 101-627 were reduced in 1996 to those above by Public Law 104-297, the Sustainable Fisheries Act.)

Finally, Section 1826(f) provides that, if at any time the Secretary of Commerce, in consultation with the Secretaries of State and Homeland Security, identifies any nation that warrants inclusion in the list described in (4) above, the Secretary shall certify that fact to the President. This certification shall be deemed to be a certification for the purposes of Section 1978(a) of the Fishermen's Protective Act of 1967 (22 USC 1978(a), as amended by Public Law 102-582), commonly referred to as the Pelly Amendment. Such a certification gives the President discretion to embargo products imported into the United States from that nation, so long as such action is consistent with U.S. obligations under the General Agreement on Tariffs and Trade.

High Seas Driftnet Fisheries Enforcement Act (16 USC §§ 1826a – 1826c): On November 2, 1992, the President signed Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act. Among other things, this Act is intended to enforce implementation of UNGA Resolution 46/215, which called for a worldwide driftnet moratorium beginning December 31, 1992. Once the Secretary of Commerce identifies a country as a nation whose nationals or vessels are conducting large-scale driftnet fishing beyond the EEZ of any nation, pursuant to the Act, a chain of U.S. actions is triggered. The Secretary of the Treasury must deny entry of that country's large-scale driftnet vessels to U.S. ports and navigable waters. At the same time, the President is required to enter into consultations with the country within 30 days after the identification to obtain an agreement that will immediately end high seas large-scale driftnet fishing by its vessels and nationals. If these consultations are not satisfactorily concluded within 90 days, the President must direct the Secretary of the Treasury to prohibit the importation into the United States of fish, fish products, and sport fishing equipment from the identified country. The Secretary of the Treasury is required to implement such prohibitions within 45 days of the President's direction.

If the above sanctions are insufficient to persuade the identified country to cease large-scale high seas driftnet fishing within 6 months, or if it retaliates against the United States during that time period as a result of the sanctions, the Secretary of Commerce is required to certify this fact to the President. Such a certification is deemed to be a certification under Section 1978(a) of the Fishermen's Protective Act of 1967 (22 U.S.C. 1978(a), as amended by Public Law 102-582).

High Seas Driftnet Fishing Moratorium Protection Act (16 USC §§ 1826d – 1826k): Public Law 104-43, the Fisheries Act of 1995, was enacted on November 3, 1995. Title VI of this law, the High Seas Driftnet Fishing Moratorium Protection Act, prohibits the United States, or any agency or official acting on behalf of the United States, from entering into any international agreement with respect to the conservation and management of living marine resources or the use of the high seas by fishing vessels that would prevent full implementation of UNGA Resolution 46/215. Title VI also charges the Secretary of State, on behalf of the United States, to seek to enhance the implementation and effectiveness of the UNGA resolutions and decisions regarding the large-scale high seas driftnet moratorium through appropriate international agreements and organizations. Finally, the act specifies that the President of the United States shall utilize appropriate assets of the Department of Defense, the U.S. Coast Guard (USCG), and other federal agencies, to detect, monitor, and prevent violations of the UN large-scale high seas driftnet moratorium for all fisheries under the jurisdiction of the United States, and to the fullest extent permitted under international law for fisheries not under U.S. jurisdiction.

The National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce, in consultation with the Department of State and the Department of Homeland Security, submits the following report for 2020 in fulfillment of the Section 1826(e) reporting requirement. Information pertaining to U.S. actions in support of the Act prior to 2020 and after 1988 can be found in the 1990 – 2019 annual driftnet reports to Congress available from NMFS (e-mail christopher.rogers@noaa.gov or call 301-427-8350; also see <https://www.fisheries.noaa.gov/international-affairs/annual-driftnet-reports-congress>).

III. DESCRIPTION AND PROGRESS OF EFFORTS MADE TO CARRY OUT PROVISIONS OF SECTION 1826(c) POLICY

A. Implementation of the Global Driftnet Moratorium called for by UNGA Resolutions 44/225, 45/197, and 46/215:

i. Current Status of the Driftnet Moratorium

As of December 31, 2020, the UNGA global moratorium on large-scale high seas driftnet fishing has been in effect for 28 years. International implementation of the moratorium in the world's oceans and enclosed and semi-enclosed seas continues to be successful.

a. North Pacific Ocean

There were no reported sightings of vessels conducting unauthorized large-scale high seas driftnet fishing operations in the North Pacific Ocean in 2020.

North Pacific Regional Driftnet Enforcement Coordination

North Pacific Anadromous Fish Commission (NPAFC): NPAFC serves as a forum to promote the conservation of Pacific salmon, steelhead, and ecologically-related species, including marine mammals, sea birds, and non-anadromous fish, in the high seas area of the North Pacific Ocean.

This area, as defined in the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean (the Convention that established NPAFC), is “the waters of the North Pacific Ocean and its adjacent seas, north of 33° North Latitude beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured.” The members of NPAFC are Canada, Japan, the Republic of Korea (Korea), the Russian Federation (Russia), and the United States.

Through NPAFC, the United States coordinates with the other member countries to collect, exchange, and analyze scientific data regarding anadromous fish stocks within Convention waters. It also coordinates high seas fishery enforcement activities by member countries. The Convention prohibits directed fishing for salmonids and includes provisions to minimize the incidental take of salmonids in other fisheries in the Convention Area. Although the Convention does not specifically ban large-scale high seas driftnet fishing, fishing for salmonids on the high seas has historically been conducted using this fishing gear. Consequently, enforcement activities under NPAFC primarily target high seas driftnet fishing vessels. The Parties to NPAFC jointly plan and coordinate their varied high seas enforcement operations in order to efficiently utilize enforcement resources.

Although NPAFC has served as a forum for joint enforcement planning and coordination in the NPAFC Convention Area, it has no enforcement authority against non-salmon non-Party high seas driftnet fishing threats. Because of the different target species and vessel flags involved, NPAFC continues to work multilaterally through enforcement and diplomatic channels to bring pressure on these driftnet fishing vessels and the flag states these vessels are operating under to end operations in the North Pacific.

Table 1 shows the number of high seas driftnet vessel sightings and apprehensions by NPAFC Parties, China, and Taiwan in the North Pacific Ocean from 2001-2020. Prior to 2005, the Parties concentrated most of their enforcement efforts in the summer months in the North Pacific Ocean. In 2005, however, Japan patrolled the far northwestern part of the Convention Area in the September–October timeframe and reported 11 of the 18 total driftnet vessel sightings for that year. There is some uncertainty as to whether the increased number of sightings in 2006 and 2007 represented a real increase in the occurrence of large-scale high seas driftnet fishing in the North Pacific Ocean or whether enforcement efforts simply uncovered an ongoing autumn fishery. Given that NPAFC Parties have patrolled the North Pacific for illegal, unreported, and unregulated (IUU) fishing since 1992, it is likely that the illegal driftnet fleet has learned how to modify its fishing operations to avoid detection. Since Parties have focused enforcement efforts on the Northwest Pacific, the number of sightings has dropped significantly—to low single digits beginning in 2009, with none reported in 2013, 2015, 2017, 2019, or 2020. Large-scale high seas illegal driftnet operations may adapt by shifting effort geographically or temporally, but those operations utilizing illegal fishing gear will likely continue to try to mask their operations on the edges of legitimate fishing fleets targeting the same species.

Sightings, boardings, and fishing vessel seizures indicate that the high seas driftnet threat in the North Pacific Ocean has shifted fishing effort from a primary focus on salmon to squid, sharks, and/or albacore tuna. Of the 22 driftnet vessels intercepted since 2003, only four had salmon on

board; the rest had squid, tuna, sharks, and other fish species. This shift is attributed to a combination of factors including favorable squid markets, effective surveillance of traditional high seas salmon fishing grounds, and more effective control of fishing fleets by North Pacific countries.

Table 1. Total North Pacific high seas driftnet vessel sightings and apprehensions from 2000–2019.

Sighting Country	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Canada	0	1	2	1	26	9	7	0	0	0	0	0	0	0	1	0	0	0	0
Japan	3	0	1	11	67	21	5	0	1	2	0	0	0	0	1	0	0	0	0
Russia	0	0	0	0	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0
China	0	0	11	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0
Taiwan	0	0	0	1	0	7	2	1	0	0	0	0	0	0	0	0	0	0	0
United States	2	24	8	5	5	8	10	0	1	0	1	0	1	0	0	0	1	0	0
Total Sightings*	5	25	22	18	98	47	24	2	3	2	1	0	1	0	2	0	1	0	0
Apprehended**	0	6	1	0	0	7	2	1	1	1	1	0	1	0	0	0	1	0	0

* May include multiple sightings of the same vessel or vessels.

** Out of the total number of vessels sighted.

NPAFC Joint Patrol Schedule Meeting (JPSM): Enforcement representatives of NPAFC Parties met virtually, via e-mail communications, from April 20-23, 2020, for the annual NPAFC JPSM. The primary purpose of the JPSM was to review and agree on the 2020 joint patrol plan for the North Pacific Ocean. The plan was adopted by the Committee on Enforcement at the 28th NPAFC Annual Meeting in June 2020.

NPAFC Annual Meeting: The 28th Annual Meeting of NPAFC met virtually, via e-mail May 19 to June 11, 2020. NPAFC Parties reported no sightings of large-scale high seas driftnet fishing vessel activity in the North Pacific from late 2019 to spring 2020. The contributions of each Party to the 2020 high seas driftnet fisheries enforcement effort are summarized below.

U.S. Driftnet Enforcement Efforts in 2020

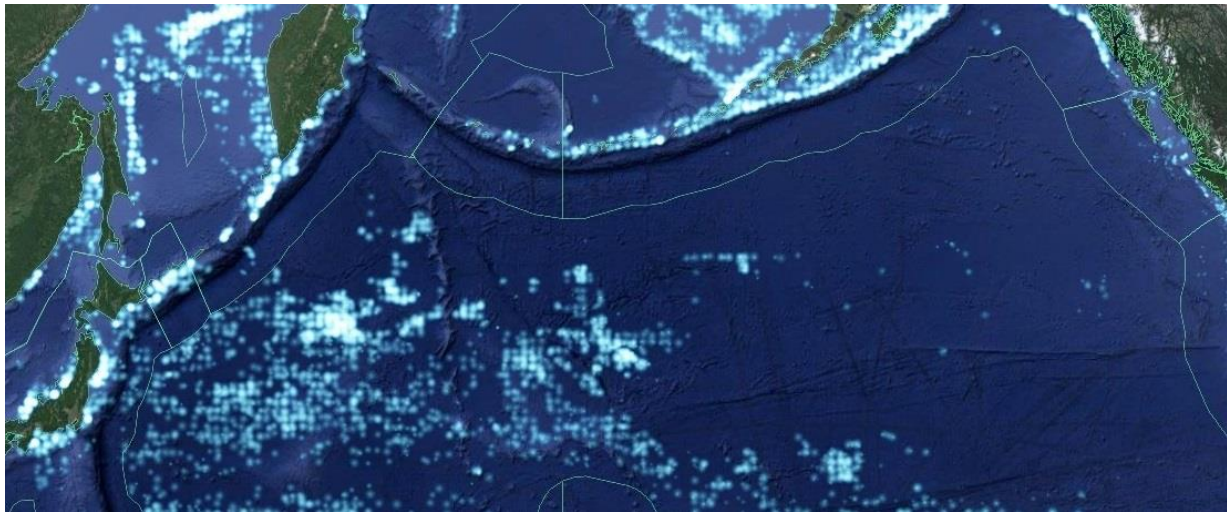
Overcoming heavy weather, fuel conservation and COVID-19 concerns, the U.S. Coast Guard Cutter *Douglas Munro* patrolled 12,500 miles in 2020, spanning 58 days, throughout the North Pacific Ocean in support of Operation North Pacific Guard (NPG), an annual high seas U.S. fisheries international law enforcement operation designed to detect and deter IUU fishing, identify large-scale high seas driftnet fishing activity, and prohibited high seas capture of anadromous species. Supported by a multilateral intelligence effort to detect suspicious vessels of interest, *Douglas Munro* conducted at-sea inspections aboard 11 fishing vessels from four different nations during 2020 operations, but no high-seas driftnet activity was observed.



Photos: (Left) Boarding team members from CGC DOUGLAS MUNRO inspect deck gear onboard a Chinese squid fishing vessel and (Right) the CGC DOUGLAS MUNRO stands by as boarding teams conduct a High Seas Boarding Inspection on ZHOU YU 807.

IUU fishing is a pervasive, far reaching security threat that undermines international agreements and fisheries conservation measures, jeopardizes global food security, and produces destabilizing effects on vulnerable coastal States. For the past 25 years, North Pacific Rim nations—including Japan, China, Russia, South Korea, Canada, and the United States—have partnered to execute Operation North Pacific Guard to uphold international maritime governance and protect migratory fish stocks on the high seas. Participating nations contribute by providing surface and air patrols and sharing intelligence that facilitate at-sea inspections targeting IUU fishing activity. The United States Coast Guard led the operation with one major surface asset with embarked MH-65 helicopter, and flew 300 flight hours with a USCG HC fixed wing aircraft in support.

The Operation North Pacific Guard operation area is vast, encompassing more than three million square miles of high seas area. Locating fishing fleets and evaluating whether their operations are illicit or legitimate requires significant effort and coordination. Global Fishing Watch, a non-governmental organization committed to improving transparency in global fishing, provided valuable information to this year's operation to illuminate suspicious transshipment of fish products at sea and vessel tracking systems that appeared to be "spoofed", or intentionally manipulated to report false information. Investigation of these reports by the Fishing Agency of Japan and the Canadian Marine Security Operation Center (MSOC) was critical in the identification of numerous vessels of interest. MSOC also provided reconnaissance support, which further helped identify and target potential illicit activity. The Japan Coast Guard and Fisheries and Oceans Canada contributed aircraft resources that detected a potentially stateless vessel.



Global Fishing Watch heat map of fishing activity in the North Pacific Guard area of operation. White areas indicate concentration of fishing effort by fishing vessels broadcasting a collision avoidance signal via an automatic identification system transponder.

Canada's Driftnet Enforcement Efforts in 2020

Canada supplied intelligence and satellite support to include 162 satellite acquisitions for 5887 total targets. The satellite support enabled the USCG to de-conflict unknown targets and identify additional potential targets of interest. Since not all Regional Fisheries Management Organizations (RFMOs) have robust Vessel Monitoring System information sharing measures, and improper automatic identification system usage is becoming a more serious problem, the satellite data provided by Canada enabled intelligence personnel to corroborate information from other sources to identify targets for potential violation. Canada's Department of Fisheries and Oceans also provided 20.5 aircraft patrol hours in support of NPG 2020.

Japan's Driftnet Enforcement Efforts in 2020

The Fisheries Agency of Japan and Japan Coast Guard increased their contribution to NPG this year with intelligence support, supplying 46 targeting reports to the USCG. Additionally, Japan Coast Guard scheduled a 10 hour NPG patrol via aircraft with the CG Attaché embarked.

Korea's Driftnet Enforcement Efforts in 2020

Korea did not patrol for driftnets in the NPAFC Convention Area in 2020.

Russia's Driftnet Enforcement Efforts in 2020

Russia did not patrol for driftnets in the NPAFC Convention Area in 2020.

China's Driftnet Enforcement Effort in 2020

China did not patrol for driftnets in the NPAFC Convention Area in 2020.

Potential Driftnet Threat in the North Pacific Ocean in 2020

The current level of large-scale high seas driftnet utilization in the North Pacific is difficult to quantify. Historical sightings indicate that the high seas threat continues to exist in the North Pacific. However, the decrease in sightings of potential high seas driftnet vessels after 2008 indicates that this particular method of fishing is most likely on the decline. The results of the multilateral patrol efforts to address and combat the threat of large-scale high seas driftnetting in the North Pacific continues to indicate a persistent, if diminished, threat. Past years' observations support a shift of fishing effort, both toward the beginning and again in later parts of the fishing season, and to a primary target species of squid. In addition, evidence indicates that anadromous and other highly migratory species (e.g., albacore tuna) may continue to be captured by high seas driftnet vessels as target species and/or as bycatch.

Driftnet fishing targeting salmon is expected to take place north of 47°N, west of 173°E, and bounded by the U.S. and Russian EEZs. The greatest threat period for salmon is generally from April through June and for other species from May through November. High seas driftnet fishing vessels targeting squid may deploy nets in areas of strong temperature change. Targeted areas primarily include waters with a sea surface temperature (SST) between 11–17° Celsius (C). These waters typically occur in the North Pacific between 35°–48°N and 150°E–165°W. Strong evidence suggests fishing vessels target areas where SST changes rapidly over short distances. Historical evidence shows that Japanese fishing vessels deployed driftnets in areas where SST may differ by 2–3° C from one end of the net to the other. Prime fishing areas may be locations where the SST isotherm dips down to the south and forms a U-shaped pocket.

Western and Central Pacific Ocean

The North Pacific illegal driftnet fleet has historically operated within a subset of the overlapping NPAFC and Western and Central Pacific Fisheries Commission (WCPFC) Convention Areas, and is expected to target species of interest to WCPFC. Consequently, NPAFC and WCPFC coordinate with the goal of decreasing or eliminating IUU fishing in the region. Under the leadership of the United States, in 2008, WCPFC adopted a conservation and management measure (CMM 2008-04) prohibiting the use of large-scale driftnets on the high seas of the WCPFC Convention Area. CMM 2008-04 charges Commission Members, Cooperating Non-

Members, and participating territories to take all measures necessary to prohibit their fishing vessels from using large-scale driftnets while on the high seas in the Convention Area. The measure provides greater authority for at-sea boarding and investigation of possible high seas driftnet vessels in the western and central Pacific Ocean, and the WCPFC High Seas Boarding and Inspection Scheme is available to help document potential violations and ensure compliance. In November 2010, NPAFC and WCPFC concluded a Memorandum of Understanding, *inter alia* for the exchange of information on North Pacific large-scale driftnet fishing activities.

b. Mediterranean Sea

The United States is not aware of any documented sightings of large-scale driftnet fishing activity on the high seas of the Mediterranean in 2020. A complete discussion of European Union (EU) driftnet regulations and measures, rulings of the European Court of Justice pertaining to driftnet fishing, binding RFMO driftnet measures in the Mediterranean Sea, and background information on past Italian and Moroccan large-scale driftnet fishing can be found in previous driftnet reports to Congress available online at: <https://www.fisheries.noaa.gov/national/annual-driftnet-reports-congress>

c. Indian Ocean

The United States did not receive any reports of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2020. However, one Sri Lankan-flagged fishing vessel was apprehended in the waters of the British Indian Ocean Territory reportedly configured to use large scale driftnets (>2.5km) with nets onboard estimated to be 12.8 km and received sanctions from British and Sri Lankan authorities.

Background:

In 2009, EU purse seiners observed dense concentrations of Iranian driftnet vessels and networks of large driftnets (estimated by EU skippers to be 3.5 to 5.5 nm long) north of the Equator between 2° N and 14° N. Iran identified a fleet of 752 driftnet vessels operating outside Iran's EEZ to the Indian Ocean Tuna Commission (IOTC) in 2009. These vessels ranged from 14 to 33 meters long. There is little information available about the activities of this fleet (fishing effort, the length of nets, fishing zones, bycatch, etc.). In response, IOTC adopted *Resolution 09/05: To Prohibit the Use of Large-scale Driftnets on the High Seas in the IOTC Area*. Note that the United States is not a member of IOTC, but participates with the organization as an observer. Resolution 09/05 charged each IOTC contracting party and cooperating non-contracting party to take all measures necessary to prohibit their fishing vessels from using large-scale driftnets (greater than 2.5 km in length) while on the high seas in the IOTC Convention Area. At the 16th Session of IOTC held in Fremantle, Australia, on April 22-26, 2012, the Commission adopted *Resolution 12/12: To Prohibit the Use of Large-scale Driftnets on the High Seas in the IOTC Area*. Resolution 12/12 superseded Resolution 09/05 and is nearly identical with the exception that it states that the first large scale driftnet assessment will take place in 2013.

At the 16th Session of the IOTC Scientific Committee held in Busan, Korea, on December 2–6, 2013, the Scientific Committee reiterated its previous recommendation that the Commission considers allocating funds to support a regional review of the current and historical data available for gillnet fleets operating in the Indian Ocean. As an essential contribution to this review, scientists from all contracting and cooperating non-contracting parties having gillnet fleets in the Indian Ocean, in particular those from Iran, Oman, Pakistan and Sri Lanka, should collate the known information on bycatch in their gillnet fisheries, including sharks, marine turtles and marine mammals, with estimates of the likely order of magnitude where more detailed data are not available.

In 2016, the United States received a report from Sea Shepherd of illegal large-scale high seas driftnet fishing in the Indian Ocean in 2016 by vessels flagged to China. Sea Shepherd communicated its evidence and findings to the Chinese government, which took responsive actions against certain vessels involved in the illegal activity.

At the 21st Session of IOTC held in Yogyakarta, Indonesia, from May 22–26, 2017, the Commission adopted Resolution 17/07 *On the prohibition to use large-scale driftnets in the IOTC area*, which phases out the use of large-scale driftnets within EEZs. The Commission noted that this resolution supersedes Resolution 12/12, and the periodic assessment called for by Resolution 12/12 is now not required to take place until 2023. Of note, Pakistan objected to Resolution 17/07 so that Resolution does not apply to Pakistan; instead, Resolution 12/12 remains binding on Pakistan. However, in 2018 the Government of Pakistan approved a deep sea fishery policy that has a mandatory requirement restricting the length of gillnets to 2.5 km, and for the vessels to have VMS. Some environmental non-governmental organizations expressed concern that Resolution 17/07 weakened the existing prohibition. As adopted, they note Resolution 17/07 now only applies to vessels on the IOTC register that are targeting tuna and tuna-like species, whereas the previous resolution simply prohibited the use of large-scale driftnets on the high seas.

IOTC adopted Resolution 19/01 on an interim plan for rebuilding the Indian Ocean yellowfin tuna stock in the IOTC Area of competence at the 23rd Session of IOTC held in Hyderabad, India, from June 17-21, 2019. The resolution states that, without prejudice to Article 16 of the IOTC Agreement, Contracting Parties and Cooperating non-Contracting Parties shall encourage phasing out or converting gillnet fishing vessels to other gears, considering the huge ecological impact of these gears and fast track the implementation of Resolution 17/07 on the prohibition to use large-scale driftnets in the IOTC area.

On January 20, 2020, the Sri Lankan flagged fishing vessel *Nisansala 01* (registration number IMULA0096KLT) was apprehended in the waters of the British Indian Ocean Territory (BIOT). The vessel was reportedly configured to use large scale driftnets (>2.5km) with nets onboard estimated to be 12.8 km. In addition, the vessel had tuna and tuna like species on board but its authorization with IOTC was expired, it was not authorized to fish in BIOT waters, and there were no logbook entries since its departure from port. The vessel underwent legal proceedings by British and Sri Lankan authorities and received sanctions from both.

ii. Interagency Agreements

Fisheries Enforcement Memorandum of Understanding (MOU): On October 11, 1993, the Secretaries of Transportation, Commerce, and Defense entered into the *Memorandum of Understanding between the Secretary of Transportation, the Secretary of Commerce and the Secretary of Defense Relating to the Enforcement of Domestic Laws and International Agreements that Conserve and Manage the Living Marine Resources of the United States*. The MOU, required under Section 202 of Public Law 102-582, the High Seas Driftnet Fisheries Enforcement Act, established a mechanism for the use of the surveillance capabilities of the Department of Defense for locating and identifying vessels violating U.S. marine conservation laws and international agreements, including UNGA Resolution 46/215. The MOU also set formal procedures for communicating vessel locations to the Secretary of Commerce and the USCG. A copy of the MOU was attached to the 1993 Driftnet Report to Congress. The MOU underwent an interagency review and update in 2016, but has yet to be formally adopted. There are no other interagency agreements regarding high seas driftnets.

iii. Bilateral Driftnet Agreements

U.S.-China MOU

For 25 years, the USCG, with financial support from NOAA, has embarked fisheries enforcement officers from China on Coast Guard assets patrolling in the North Pacific Ocean for illegal high seas driftnet fishing pursuant to the terms of the *Memorandum of Understanding Between the Government of the United States of America and the Government of the People's Republic of China on Effective Cooperation and Implementation of United Nations General Assembly Resolution 46/215 of December 20, 1991*, signed in Washington, DC, on December 3, 1993. These patrols supported the global large-scale high seas driftnet moratorium called for by UNGA Resolution 46/215, provisions of the Convention for the Conservation of Anadromous Stocks in the North Pacific Ocean, and conservation and management measures of the Western and Central Pacific Fisheries Convention. They also enabled China to more effectively enforce domestic laws that prohibit high seas driftnet fishing by Chinese-flagged vessels in the North Pacific. The MOU expired on December 31, 2019.

iv. UNGA Driftnet Resolutions and Decisions

Since December 1992, the United States has ensured that implementation of the high seas driftnet moratorium remains a priority of the UNGA. Details on UNGA Resolutions 44/225 (1989), 45/197 (1990), 46/215 (1991), 50/25 (1995), 51/36 (1996), 52/29 (1997), 53/33 (1998), 54/32 (1999), 55/8 (2000), 57/142 (2002), 58/14 (2003), 59/25 (2004), 60/31 (2005), 61/105 (2006), 62/177 (2007), 63/112 (2008), 64/72 (2009), 65/38 (2010), 66/68 (2011), 67/79 (2012), 68/71 (2013), 69/109 (2014), 70/75 (2015), 71/123 (2016), 73/125 (2017), UNGA Driftnet Decisions 47/443 (1992), 48/445 (1993), and 49/436 (1994), and supporting resolutions and actions taken by the United States in other fora prior to 2018 were provided in previous driftnet reports to Congress available from NMFS.

The UN General Assembly adopted Resolution A/RES/73/125 on *Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United*

Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments on December 11, 2018. The Resolution recognizes the efforts of States, individually and through regional fisheries management organizations and arrangements, to implement UNGA Resolution 46/215 of December 20, 1991, which called for a global moratorium on all large-scale pelagic driftnet fishing.

Resolution A/RES/73/125 expresses concern that, despite the adoption of UNGA Resolution 46/215, the practice of large-scale pelagic driftnet fishing still exists and remains a threat to living marine resources. It urges States, individually and through regional fisheries management organizations and arrangements, to adopt effective measures, or strengthen existing measures, to implement and enforce the provisions of Resolution 46/215 and subsequent resolutions on large-scale pelagic driftnet fishing in order to eliminate the use of large-scale pelagic driftnets in all seas and oceans. Specifically, efforts to implement Resolution 46/215 should not result in the transfer of illegal driftnets to other parts of the world. Finally, the draft Resolution calls upon States to ensure that vessels flying their flags that are duly authorized to use large-scale driftnets in waters under their national jurisdiction do not use such gear for fishing while on the high seas.

Resolution A/RES/73/125 requests the Secretary-General to bring the present resolution to the attention of relevant intergovernmental organizations, the organizations and bodies of the United Nations system, sub-regional and regional fisheries management organizations and relevant non-governmental organizations.

Support for the Wellington Convention

The United States took no specific actions in support of the Wellington Convention in 2020. The Wellington Convention, formally known as the Convention for the Prohibition of Fishing with Long Driftnets in the South Pacific, prohibits driftnet fishing within the Convention Area, which includes both EEZs of South Pacific countries and territories, and adjacent high seas areas. Details on U.S. actions taken in support of the Wellington Convention are in previous driftnet reports to Congress.

IV. EVALUATION OF THE IMPACTS ON LIVING MARINE RESOURCES

A detailed evaluation of the impacts of large-scale high seas driftnet fishing on salmonids, marine mammals and birds, tuna and non-salmonid fishes, and marine turtles was provided in the 1992 report to Congress. The evaluation was based on catch data from the 1989-1992 scientific driftnet monitoring programs with Japan, Taiwan, and Korea. However, an enormous amount of North Pacific ecosystem data resulted from the driftnet scientific monitoring programs. Analyses and interpretation of these data continued through 1994 and descriptions of such research were included in the 1993 and 1994 driftnet reports. With the advent of the UN moratorium on large-scale high seas driftnet fishing, legal sources for scientific data on this type of fishing gear disappeared.

V. LIST AND DESCRIPTION OF ANY NEW FISHERIES DEVELOPED BY NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO

CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION

We are not aware of any new fisheries that have been developed by nations that conduct, or authorize their nationals to conduct, large-scale pelagic driftnet fishing on the high seas beyond the EEZ of any nation.

VI. LIST OF NATIONS THAT CONDUCT, OR AUTHORIZE THEIR NATIONALS TO CONDUCT, LARGE-SCALE DRIFTNET FISHING BEYOND THE EEZ OF ANY NATION IN A MANNER THAT DIMINISHES THE EFFECTIVENESS OF OR IS INCONSISTENT WITH ANY INTERNATIONAL AGREEMENT GOVERNING LARGE-SCALE DRIFTNET FISHING TO WHICH THE UNITED STATES IS A PARTY OR OTHERWISE SUBSCRIBES

The Secretary has not identified, pursuant to the High Seas Driftnet Fisheries Enforcement Act, any nation that conducts, or authorizes its nationals to conduct, large-scale driftnet fishing beyond the EEZ of any nation in a manner that diminishes the effectiveness of, or is inconsistent with, any international agreement governing large-scale driftnet fishing to which the United States is a party or otherwise subscribes.

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